

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q76452

Michel CHEVANNE, et al.

Appln. No.: 10/625,721

Group Art Unit: 2452

Confirmation No.: 8118

Examiner: Thomas J. Dailey

Filed: July 24, 2003

For: METHOD AND DEVICE FOR PROCESSING DATA FOR GENERATING ALARMS
WITHIN A COMMUNICATION NETWORK

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37 Attorney Docket No.: Q76452
U.S. Application No. 10/625,721

I. REAL PARTY IN INTEREST

The real party in interest is ALCATEL, by virtue of an assignment recorded by the Assignment Branch of the U.S. Patent and Trademark Office on July 24, 2003, at Reel 014328, Frame 0906.

II. RELATED APPEALS AND INTERFERENCES

To the knowledge and belief of Appellants, the Assignee, and the undersigned, there are no other appeals or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

Claims 1-29 and 31-34 are all the claims pending in the application and are the subject of this appeal. Claim 30 is canceled. Claims 1, 14, 15 and 28 are independent claims.

Claims 1-9, 13-23, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0069848 to Larson et al. (hereinafter “Larson”) in view of U.S. Patent Application No. 2003/0217110 to Weiss (hereinafter “Weiss”).

Claims 10-12, 24-26, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson and Weiss and further in view of U.S. Patent No. 5,907,696 to Stilwell et al. (hereinafter “Stilwell”).

All of the claims pending in the appeal are set forth in their entirety in Appendix A, attached to this Brief on Appeal.

IV. STATUS OF AMENDMENTS

No Amendments were submitted subsequent to the Final Office Action dated October 7, 2008. The Appendix included with this Brief sets forth the claims involved in the appeal and reflects all of the claim amendments.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to a mechanism of converting data of a primary format, received for managing events occurring within an equipment in a communications network, into secondary data in a secondary format in order to generate alarms.

Claim 1: Independent claim 1 is directed to a data processing device which receives primary data from an equipment in a communications network, the primary data defining events in a primary format, and which converts the primary data into secondary data of a secondary format which can be processed by a management device. *See* Specification as filed at page 8, lines 3-7. The conversion is performed by an interpreter which is provided with a plurality of conversion rules which are arranged in scripts. *See* Specification as filed at page 2, lines 25-31 and at page 3, line 1. Each of the plurality of different primary event formats correspond to a particular script. *See* Specification as filed at page 7, lines 17-18.

Claim 14: Independent claim 14 is directed to a network management device which includes a processing device. *See* Specification as filed at page 4, lines 6-8. The processing device receives primary data from an equipment in a communications network, the primary data defining events in a primary format. The processing device uses an interpreter to convert the primary data into secondary data of a secondary format. *See* Specification as filed at page 7, lines 12-16 and FIG. 1. The secondary format can be interpreted by the management device. *See* Specification as filed at page 8, lines 2 and 3, and lines 17-24. Each of the plurality of different primary event formats correspond to a particular script. *See* Specification as filed at page 7, lines 17-18.

Claim 15: Independent claim 15 is directed to a data processing method in which, after reception of primary data from an equipment in a communication network, the primary data which defines events in a primary format, is converted into secondary data having a secondary format. *See* Specification as filed at page 12, lines 4-10. The conversion is performed by using conversion rules which are arranged in the form of scripts. *See* Specification as filed at page 4, lines 9-22. In other words, the conversion is performed by means of an interpreted language. *See* Specification as filed at page 4, lines 26-28. The secondary data defines alarms, representing events. *See* Specification as filed at page 9, lines 9-11. Each of the plurality of different primary event formats correspond to a particular script. *See* Specification as filed at page 7, lines 17-18.

Claim 28: Independent claim 28 is directed to a method of managing a communications network. The method contains the steps of delivering to a management device of the communication network secondary data defining alarms representing events on the reception of primary data transmitted by an equipment in the communications network. *See* Specification as filed at page 4, lines 9-15. According to the method of claim 28, the second format is generated by converting primary data received in a primary format into secondary data in the second format. The converting is performed by means of a plurality of conversion rules, arranged in the form of scripts, the scripts being associated with a plurality of primary event formats. *See* Specification as filed at page 4, lines 16-22. The secondary format can be interpreted by the management device. *See* Specification as filed at page 4, lines 28-30. Each of the plurality of different primary event formats correspond to a particular script. *See* Specification as filed at page 7, lines 17-18.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Rejection of claims 1, 14, 15 and 28 under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Weiss.

VII. ARGUMENT

Appellants respectfully request the Board to reverse the final rejection of the claims pending in the application for at least the following reasons.

Rejection of claims 1 14, 15 and 28 under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Weiss.

Appellants respectfully submit that a person of ordinary skill in the art would not have combined Larson and Weiss.

The Examiner contends that “[b]ecause both Larson and Weiss teach methods of converting events, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of being able to convert a plurality of event formats via a common used practice in the art.” *See* Continuation Sheet of the Advisory Action of February 25, 2009. Appellants respectfully disagree with the Examiner’s position.

Larson teaches a user interface for controlling a computer network. The user interface is used with a network management systems (NMS). *See* Abstract. Such network management systems are typically used by information technology (IT) staff of large corporations “to allow the end user to construct custom applications for monitoring the computer network and the devices making up the network.” *See* Larson at paragraphs [0004] and [0005]. In other words, Larson relates to the management of a complex computer network in a business environment with a variety of different network components being typically manufactured by different manufacturers requiring constant monitoring.

By contrast, Weiss relates to a gateway server appliance allowing home computers in a small home network to communicate with each other. *See* paragraph [0002]. More specifically, Weiss teaches “a mechanism whereby members of household may be informed of certain network related events without having to use their home computer or other client device. *See* paragraph [0002]. This is simply done by “a ringer or other signaling device to inform persons as to the occurrence of [the] event.” *See* paragraph [0016].

Weiss further teaches that

none of the microserver or communications computers [used in a workplace environment] possess a ringer or other signaling device to inform persons as to the occurrence of an event. In view of the intended use and the functionality offered by the present home gateway server appliance, the provision of an alarm system is a key distinction for a device intended for the home instead of a workplace environment. In a workplace environment it is assumed that employers are at their computers when they need to be and that one (or more) employee(s) is responsible for monitoring what the communications computer is generating. In a home environment, none of these assumptions hold true.

See paragraphs [0016] and [0017]. In other words, the teaching of Weiss is not intended to be used in a workplace environment in which NMSs, such as for example the NMS taught in Larson, are used. That is, because home gateway server appliances and even small communication oriented single-board computers used to provide monitoring functions in an industrial environment, such as for example in an environment taught by Larson, “are optimized for very different purposes.” *See* paragraphs [0013] and [0016]. Consequently, a person of ordinary skill in the art would not have substituted a method of Larson for another of Weiss to achieve predictable results, as alleged by the Examiner.

However, even assuming, *arguendo*, that a person of ordinary skill in the art would have combined Larson with Weiss, the combined teachings still do not disclose or suggest all of the elements as set forth and arranged in the claims.

Claim 1 recites

processing means for receiving, from an equipment in a communications network, primary data defining events in at least one primary format and delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format,

wherein said processing means comprise an interpreter which is provided with a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with a plurality of different primary event formats, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be processed by said management device, and

wherein each of the plurality of different primary event formats corresponds to a particular script (emphasis added).

Claim 14 recites

wherein said processing means comprise an interpreter provided with a plurality of conversion rules, arranged in the form of scripts associated with a plurality of different primary event formats, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be interpreted by said management device (emphasis added).

Claim 15 recites

wherein said method further comprising the step of converting, by means of one of a plurality of conversion rules, arranged in the form of scripts associated with a plurality of different primary event formats, primary data received in one of said

primary formats into secondary data in said secondary format
which can be interpreted by said management device (emphasis added).

Claim 28 recites

wherein said second format is generated by converting, by means of one a plurality conversion rules, arranged in the form of scripts associated with a plurality of primary event formats, primary data received in one of said primary formats into secondary data in said secondary format which can be interpreted by said management device (emphasis added).

The Examiner acknowledges that Larson does not disclose “a plurality of conversion rules . . . associated with a plurality of different primary event formats . . . [and] each of the plurality of different primary even formats corresponds to a particular script,” as recited in claim 1 and as analogously recited in claims 14, 15 and 28. *See* page 3 of the final Office Action of October 7, 2008. However, the Examiner contends that Weiss teaches the above-noted unique feature of claims 1, 14, 15 and 28. *See* page 4 of the final Office Action October 7, 2008.

Weiss relates to

[a] home gateway server appliance . . . allowing home computers and other network electronic devices to communicate with one another . . . wherein the network server provides functionalities chosen from the group consisting of . . . SNMP, . . . **Perl scripting** and security monitoring. . . . The present server appliance 10 is composed of . . . and audible alarm system 20 **notifying** users of a communication or network **event** . . . a user may specify some action taken to communicate with a client device of some sort for some event . . . **each event** to be monitored **need only be associated with one script file**, and there need also be only one script file **for each available alarm** (emphasis added).

See Abstract, paragraphs [0002], [0030], [0093] and [0094]. In other words, Weiss teaches the use of a plurality of script files, each script file being associated with an event. For example, “[a]ctual initiation of . . . alarms will depend upon the specific event initiating the alarm . . . [t]he particular script for fetchmail would only contain a line executing an alarm script, most likely playing a particular sound file.” *See* paragraph [0095].

However, contrary to the Examiners contention, if one would substitute the scripts in Larson with the scripts of Weiss, the combination would not teach “a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with a plurality of different primary event formats, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format,” as recited in claim 1.

In order to be able to use a script to convert data of one format into another format, a person of ordinary skill in the art would have known that such a script needs to contain conversion rules which, when applied to input data, create some kind of output data, the output data having a different format. As discussed above, the scripts in Weiss do not contain such conversion rules. Instead, they contain a line executing an alarm script. However, executing an alarm script is clearly different from converting data of one format into data of another format.

In other words, playing a particular sound file would not change the format of the sound file into a different format. Instead, the sound stored in the sound file is simply played, but not converted, because there is simply no rule for converting such a sound file, for example, in the

scripts of Weiss. Therefore, one cannot substitute the script file in Larson with the plurality of script files in Weiss.

Furthermore, even if one would assume for the sake of argument that a person of ordinary skill in the art would have interpreted the line in the script of Weiss, which executes an alarm, as a conversion rule, Weiss would still not teach a plurality of conversion rules being associated with a plurality of different primary event formats, as recited in claim 1.

The Examiner contends that an Internet telephony connection attempt or a receipt of an IM message in Weiss corresponds to one of the plurality of different primary event formats, as recited in claim 1. *See* Continuation sheet of the Advisory Action of February 25, 2009.

Appellants respectfully disagree with the Examiner's position.

Internet telephony connection attempt or a receipt of an IM message are specific events initiating an alarm. *See* paragraph [0095]. Appellant respectfully submits that there is clearly a difference between an event and data, such as for example a notification message, associated with the event. In other words, the event itself does not constitute data having an event format, as alleged by the Examiner. Therefore, Weiss does not disclose or suggest a plurality of conversion rules associated with a plurality of different event formats, as recited in claim 1.

Based on the above, Appellants respectfully submit that independent claim 1 is patentable over Larson and Weiss because a person of ordinary skill in the art would not have combined the two references and even if they would be combined, the cited references, alone or in combination, do not teach or suggest all of the features of claims 1, 14, 15 and 28.

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Claims 2-13, 16-27 and 29-34 depend from claims 1, 15 and 28, respectively. Stilwell does not remedy the deficient disclosure of Larson and Weiss. Accordingly, claims 2-13, 16-27 and 29-34 are patentable over Larson and Weiss at least by virtue of their dependencies.

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CONCLUSION

The USPTO is directed and authorized to charge the statutory fee (37 C.F.R. §41.37(a) and 1.17(c)) and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 1, 2009

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CLAIMS APPENDIX

CLAIMS 1-29 AND 31-34 ON APPEAL:

1. A data processing device comprising:

processing means for receiving, from an equipment in a communications network, primary data defining events in at least one primary format and delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format,

wherein said processing means comprise an interpreter which is provided with a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with a plurality of different primary event formats, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be processed by said management device, and

wherein each of the plurality of different primary event formats corresponds to a particular script.

2. The device as claimed in Claim 1, wherein said interpreter is arranged to make said conversions into a secondary configuration file format by means of an interpreted language.

3. The device as claimed in Claim 2, wherein said secondary configuration file format is XML .

4. The device as claimed in Claim 2, wherein said interpreted language is selected from a group consisting of JavaScript, Visual Basic, TCL, Perl and Python.

5. The device as claimed in Claim 1, wherein, when there are primary data associated respectively with event identifiers, said interpreter is arranged to store at least some of said rules in correspondence with known event identifiers.

6. The device as claimed in Claim 5, wherein said interpreter is arranged to store at least one conversion rule defining a default script intended for the primary data associated with an unknown event identifier.

7. The device as claimed in Claim 1, wherein said interpreter is arranged to deduce alarm parameters from certain primary data received, so as to deliver a parameterized alarm to said management device.

8. The device as claimed in Claim 7, wherein said interpreter is arranged to deliver to said management device alarms parameterized by hard coded values.

9. The device as claimed in Claim 7, wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from said primary data.

10. The device as claimed in Claim 7, wherein, when the alarm state of an item of an equipment in the network is unknown, said interpreter is arranged to extract from said equipment chosen information able to allow determination of said alarm state, and then to simulate the sending of primary data representing said state information, so as to generate an alarm intended to indicate to the management device the alarm state of said equipment.

11. The device as claimed in Claim 10, wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from the equipment from which it has received the primary data.

12. The device as claimed in Claim 10, wherein said interpreter is arranged to extract said chosen information from a management information base of the equipment concerned.

13. The device as claimed in Claim 1, wherein said primary data are received in primary formats of the SNMP type.

14. A network management device, comprising a processing device which receives, from equipment in a communications network, primary data defining events in at least one primary format and delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format,

wherein said processing means comprise an interpreter provided with a plurality of conversion rules, arranged in the form of scripts associated with a plurality of different primary event formats, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be interpreted by said management device and

wherein each of the plurality of different primary event formats corresponds to a particular script.

15. A data processing method in which, on reception of primary data transmitted by an equipment in a communications network and defining events in at least one primary format, there are delivered to a management device of the network secondary data defining alarms representing said events, in a secondary format,

wherein said method further comprising the step of converting, by means of one of a plurality of conversion rules, arranged in the form of scripts associated with a plurality of different primary event formats, primary data received in one of said primary formats into secondary data in said secondary format which can be interpreted by said management device and

wherein each of the plurality of different primary event formats corresponds to a particular script.

16. The method as claimed in Claim 15, wherein conversion step is carried out into a secondary configuration file format by means of an interpreted language.
17. The method as claimed in Claim 16, wherein said secondary configuration file format is XML .
18. The method as claimed in Claim 16, wherein said interpreted language is selected from a group consisting of JavaScript, VisualBasic, TCL, Perl and Python.
19. The method as claimed in Claim 15, wherein, when there are primary data associated respectively with event identifiers, at least some of said conversion rules are associated with known event identifiers.
20. The method as claimed in Claim 19, wherein at least one of said conversion rules defines a default script intended for primary data associated with an unknown event identifier.
21. The method as claimed in Claim 15, wherein alarm parameters are deduced from certain primary data received, so as to deliver a parameterized alarm to said management device.
22. The method as claimed in Claim 21, in which alarms parameterized by hard coded values are delivered to said management device.

23. The method as claimed in Claim 21, wherein alarms parameterized by values extracted from said primary data are delivered to said management device.

24. The method as claimed in Claim 21, wherein, when the alarm state of an item of an equipment in the network is unknown, there is extracted from said equipment chosen information able to allow determination of said alarm state, and then the sending of primary data representing said state information is simulated so as to generate an alarm intended to indicate to the management device the alarm state of said equipment.

25. The method as claimed in Claim 24, wherein there are delivered to said management device alarms parameterized by values extracted from the equipment from which it received primary data.

26. The method as claimed in Claim 24, wherein said information or values are extracted from a management information base of the equipment concerned.

27. The method as claimed in Claim 15, wherein said primary data are received in primary formats of the SNMP type.

28. A method of managing a communications network, which have to be managed, the method comprising the steps of:

on reception of primary data transmitted by an equipment in the communications network and defining events in at least one primary format,

delivering to a management device of the communications network secondary data defining alarms representing said events, in a secondary format,

wherein said second format is generated by converting, by means of one a plurality conversion rules, arranged in the form of scripts associated with a plurality of primary event formats, primary data received in one of said primary formats into secondary data in said secondary format which can be interpreted by said management device, and

wherein each of the plurality of different primary event formats corresponds to a particular script.

29. A method of managing a communications network according to claim 28, wherein the communications network is one of WDM network, a SONET network, an SDH network, an IP network, an ATM network, mobile and an NGN network.

31. The device as claimed in claim 10, wherein said information resides in a management information base of said equipment concerned.

32. The device claimed in claim 10, wherein the alarm state of said equipment is synchronized or resynchronized using said extracted chosen information.

33. The method as claimed in Claim 24, wherein said information resides in a management information base of said equipment concerned.

34. The method claimed in claim 24, wherein the alarm state of said equipment is synchronized or resynchronized using said extracted chosen inform.

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EVIDENCE APPENDIX:

NONE

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RELATED PROCEEDINGS APPENDIX

NONE

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SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The USPTO is directed and has been authorized to charge the statutory fee of \$540.00 and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via the EFS Fee Payment Screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

Date: July 1, 2009